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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 CHAN-DUNG TRAN,

14 Defendant.

CASE NO. CR02-5952-RBL

PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE

15 INTRODUCTION

16 I conducted a hearing on alleged violations of supervised release in this case on December 27,
17 2005. The United States was represented by Tate London, and defendant was represented by Nancy
18 Tenney. The proceedings were recorded on cassette tape.

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20 CONVICTION AND SENTENCE

21 Defendant had been convicted on or about January 30, 2004 on a charge of bank
22 embezzlement. The Hon. Jack E. Tanner of this court sentenced defendant to one day in custody,
23 followed by five years of supervised release.

1 ALLEGED VIOLATIONS AND DEFENDANT'S ADMISSIONS

2 In an application dated December 14, 2004, USPO Brian Rogers alleged that defendant
3 violated the conditions of supervised release in four respects:

- 4 (1) Failing to report to the probation officer, as directed, on November 29, 2004;
5 (2) Failing to report to the probation officer, as directed, on December 7, 2004;
6 (3) Failing to submit written monthly report to the probation officer for the months of
7 August, September, October and November of 2004; and
8 (4) Failing to submit restitution payments for the months of July, August, September,
9 October and November of 2004.

10 I advised defendant as to her constitutional rights, the nature of these charges, her right to an
11 evidentiary hearing, and the maximum penalties if the court found she had violated conditions as
12 alleged. Defendant then admitted each of the four alleged violations, waived any hearing as to
13 whether they occurred, and consented to having the matter set for a disposition hearing before Judge
14 Leighton, to whom the case has been assigned.

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16 RECOMMENDED FINDINGS AND CONCLUSIONS

17 Based upon the foregoing, I recommend the court find that defendant has violated the
18 conditions of her supervised release in the four respects alleged above, and conduct a disposition
19 hearing. That hearing has been set for January 5, 2006 at 10:00 a.m. in Tacoma.

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21 DETENTION PENDING DISPOSITION

22 Defendant has been detained pending a final determination by the court. The order detaining
23 defendant was based upon the fact that she has avoided all contact with the probation office for a year
24 and a half, despite their efforts to contact her; and she was en route to Canada for a party when
25 arrested. To secure release while revocation proceedings are pending, a defendant bears the burden to

1 establish by clear and convincing evidence that she will make all appearances as required. In light of
2 her complete failure to submit to supervision by the Probation Office, including failures to comply with
3 their directions to appear, defendant has not met her burden for release pending disposition.

4 DATED this 27th day of December, 2005.

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6 s/ John L. Weinberg
United States Magistrate Judge
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9 cc: Sentencing Judge : Hon. Ronald B. Leighton
Assistant U.S. Attorney : Tate London
10 Defense Attorney : Nancy Tenney
U. S. Probation Officer : Brian Rogers
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